

Jeffrey N. Pomerantz, Esq.
Andrew W. Caine, Esq.
Beth Levine, Esq.
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Boulevard
Los Angeles, California 90067-4100
Telephone: (310) 277-6910
Telecopy: (310) 201-0760

Lynn L. Tavener, Esq. (VA Bar No. 30083)
Paula S. Beran, Esq. (VA Bar No. 34679)
David N. Tabakin, Esq. (VA Bar No. 82709)
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300
Telecopy: (804) 783-0178

*Counsel for the Circuit City Stores, Inc.
Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11

Case No. 08-35653-KRH

(Jointly Administered)

NOTICE OF SUBSTANTIVE HEARING
**(Liquidating Trust's Fifteenth and Forty-Third Omnibus
Objections to Claim Numbers 9721 and 12911)
(Claimants – Bank of America/Capmark and
WEC-96 D Appleton 2 Investment Trust)**

PLEASE TAKE NOTICE that Circuit City Stores, Inc. Liquidating Trust (the “Trust”), by counsel, of the above referenced estates of Circuit City Stores, Inc. *et al.* (collectively, the “Debtors”) **will seek to have the Court (a) allow Claim No. 9721 as a general unsecured claim in the amount of \$938,617.92 (the “GUC Claim”), which amount was reconciled with Capmark; (b) expunge Claim No. 12911 as duplicative; and (c) determine whether Capmark or WEC Appleton is the proper holder of the GUC Claim. Each claim is further identified in the *Liquidating Trustee’s Fifteenth and Forty-Third Omnibus Objection to***

Claims (collectively, the “Claim Objection”) [Docket Nos. 10053 and 11854]. The relief sought as identified herein is based upon information received from you in response to the Claim Objection and/or the Debtors’ books and records.

PLEASE TAKE FURTHER NOTICE THAT the Court will hold a hearing and receive evidence on the Claim Objection on **December 14, 2016 at 2:00 p.m.**, (or such time thereafter as the matter may be heard) and the undersigned will appear before The Honorable Kevin R. Huennekens, United States Bankruptcy Judge, in Room 5000, of the United States Courthouse, 701 E. Broad Street Richmond, Virginia 23219.

PLEASE TAKE FURTHER NOTICE THAT the undersigned will present evidence, if necessary, on **December 14, 2016 at 2:00 p.m.**, seeking to have the Court (a) allow Claim No. 9721 as a general unsecured claim in the amount of \$938,617.92, which amount was reconciled with Capmark; (b) expunge Claim No. 12911 as duplicative; and (c) determine whether Capmark or WEC Appleton is the proper holder of the GUC Claim.

PLEASE TAKE FURTHER NOTICE THAT if you do not want the Court to grant the relief described herein, **you must (1) on or before December 9, 2016, file a (A) notice of your intent to attend the hearing and (B) summary of the position you will advocate at the hearing with the Court at:**

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street - Room 4000
Richmond, Virginia 23219

and (2) attend the hearing on December 14, 2016 at 2:00 p.m.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Dated: November 23, 2016

/s/ Paula S. Beran

Lynn L. Tavenner, Esq. (VA Bar No. 30083)

Paula S. Beran, Esq. (VA Bar No. 34679)

David N. Tabakin, Esq. (VA Bar No. 82709)

TAVENNER & BERAN, P.L.C.

20 North Eighth Street, 2nd Floor

Richmond, Virginia 23219

Telephone: 804-783-8300

Facsimile: 804-783-0178

Email: ltavenner@tb-lawfirm.com

pberan@tb-lawfirm.com

-and-

Jeffrey N. Pomerantz, Esq. (admitted *pro hac vice*)

Andrew W. Caine, Esq. (admitted *pro hac vice*)

PACHULSKI STANG ZIEHL & JONES LLP

10100 Santa Monica Blvd.

11th Floor

Los Angeles, California 90067-4100

Telephone: 805-123-4567

Facsimile: 310/201-0760

E-mail: jpomerantz@pszjlaw.com

acaine@pszjlaw.com

*Counsel for the Circuit City Stores, Inc.
Liquidating Trust*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Substantive Hearing was served on November 23, 2016 via electronic delivery to all of the parties receiving ECF notice in this bankruptcy case and via first-class mail, postage prepaid, on the following:

Robert Edwards, Esquire
Polsinelli PC
900 W. 48th Place
Suite 900
Kansas City, MO 64112

WEC-96 D-2
Appleton Investment Trust
50 West Liberty Street
Suite 1080
Reno, NV 89501

Bank of America, N.A., as trustee for the registered holders of
GMAC Commercial Mortgage Securities, Inc., Mortgage PassThrough
Certificates, Series 1998-C2
c/o Capmark Finance Inc.
Attn: Peyton Inge
700 N. Pearl Street
Dallas, TX 75201

WEC-96D Appleton-1 Investment Trust
50 West Liberty Street, Suite 1080
Reno, NV 89501

WEC-96D Appleton-1 Investment Trust
Loeb & Loeb LLP,
345 Park Avenue
New York, New York 10154
Attn: Jason Blumberg

WEC 96 D Appleton 2 Investment Trust
Loeb & Loeb LLP
345 Park Ave
New York, NY 10154
Attn Jason Blumberg Esq

/s/ Paula S. Beran
Paula S. Beran (VA Bar No. 34679)